NPT/CONF.2005/MC.III/SR.2

2005 Review Conference of the Parties to the Treaty on the Non-Proliferation of Nuclear Weapons

Distr.: General
23 August 2006

Original: English

Main Committee III

Summary record of the 2nd meeting
Held at Headquarters, New York, on Monday, 23 May 2005, at 10 a.m.

Chairman: Ms. Bonnier ..... (Sweden)

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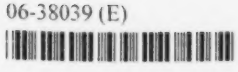

The meeting was called to order at 10 a.m.

Draft report of Main Committee III (*continued*)

1. **Mr. Towpik** (Poland) associated his delegation with the statement made by the representative of Luxembourg on behalf of the European Union. While not a nuclear power, Poland made wide use of nuclear technology in industry, human health, environmental protection and agriculture. It was committed to ensuring the peaceful use of nuclear energy and to implementing assistance programmes designed to promote technology transfers and sustainable development, being both a donor and a recipient in that regard. In the light of the enormous demand for such activities, cost-sharing or development partnership options must be explored.

2. The international conventions and standards developed by the International Atomic Energy Agency (IAEA) played a vital role in promoting a global culture of nuclear safety. Poland was a party to all of them and took the view that they were essential to furthering international cooperation in the peaceful use of nuclear energy. Recent scientific trends had confirmed that nuclear knowledge must be better managed, and his delegation shared the concern at the loss of nuclear industry know-how through ageing of the workforce and decreasing support for university programmes in nuclear science and engineering. The phenomenon was unfortunately most acute in countries which, like Poland, had no current nuclear power programme but had been considering one. Without proper education and research at the national level, nuclear safety could not be maintained satisfactorily in any country. Accordingly, Poland strongly supported international efforts to improve education, develop peaceful uses of nuclear energy and enhance the transfer and safe application of nuclear technologies.

3. **Mr. Bennouna** (Morocco), said that his delegation associated itself with the statement made on behalf of the Non-Aligned Group by the representative of Malaysia. Some 35 years previously, the drafters of the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) had faced the difficult task of maintaining a sensitive balance between the need to prevent proliferation and the need to preserve the inalienable rights of all the parties enshrined in article IV of the Treaty. That balance had recently become precarious under the influence of the global threat of nuclear terrorism and the international community's efforts to combat it.

4. IAEA could not fulfil its oversight role unless States complied with their binding international obligations. Morocco, which had been a party to the Treaty since 1970, had concluded a safeguards agreement with IAEA in 1973 and had signed an additional protocol thereto in 2004. It reaffirmed its commitment to article IV of the Treaty and its belief that enhanced nuclear safety measures were vital to the development of international cooperation. While responsibility for nuclear safety and radiation protection lay in the hands of individual States, the latter had a responsibility to share information with a view to preventing misuse of and trafficking in nuclear materials.

5. Morocco fully supported the technical cooperation programmes of IAEA and was working with the Agency in organizing a postgraduate course in radiation protection for experts from French-speaking African countries. It had also collaborated with IAEA, the International Telecommunications Union (ITU), the World Health Organization (WHO) and various regional organizations in convening an international conference on national nuclear safety infrastructures.

6. **Mr. de Queiroz Duarte** (Brazil) recalled that the Director-General of IAEA had reminded the Review Conference that the Nuclear Non-Proliferation Treaty had been made possible by the two shared goals of security and development. Because views on the founding principles of the Treaty had diverged, the Review Conference must reaffirm article IV to ensure that the rights of all States parties were preserved, subject to compliance with the provisions of articles I, II and IV.

7. While Brazil shared the concern that nuclear programmes might be used as a cover for nuclear proliferation, some of the measures proposed to address that risk ignored the successful track record of the safeguards arrangements in place, wrongly blamed the Treaty for loopholes which allegedly impaired its effectiveness against proliferation and presented a risk of reinterpretation or review of article IV. Brazil took the view that the legitimate concerns of the international community could be best met with an enhanced safeguards system. The report of the expert group on multilateral approaches to the nuclear fuel cycle (NPT/CONF.2005/18) made a vital contribution

to the debate, which must continue and must avoid hasty decisions concerning long-term rights of the non-nuclear-weapon States which abided by the rules of the Treaty. The ability of those States to develop legitimate peaceful nuclear programmes covered by IAEA safeguards must not be affected.

8. In an ever-changing international situation, it seemed unrealistic to expect States parties to relinquish their legitimate rights under the Treaty, and thus their energy security, in return for uninterrupted access to nuclear fuel supplies from other States. Fifty years previously, the leading international experts of the time had assured Brazil that it had no oil resources and that establishing a national oil company would be futile. They had been proven wrong. Petrobras had successfully explored for oil, had become one of the world's largest oil companies, currently met 95 per cent of the country's demand and had been the motor of Brazil's industrialization. For the same reasons, the peaceful use of nuclear energy had become a fundamental principle of national policy. While Brazil had developed its own nuclear capabilities, including uranium enrichment, it remained firmly convinced of the advantages of IAEA-coordinated international synergy in the nuclear field.

9. The Review Conference should recognize and encourage the twin goals of security and development by acknowledging the guiding role of sustainable development in the peaceful uses of nuclear energy, which could help to narrow economic and technological disparities between developed and developing countries. The Conference should affirm the role of the Treaty in providing a framework of confidence and cooperation for such peaceful uses of nuclear energy and for the role of IAEA in assisting developing countries. It should renew the appeal for the universalization and strict and balanced implementation of the Treaty and it should urge all States parties to conclude comprehensive safeguards agreements. All States should strengthen international and domestic verification of transactions involving fissile material and associated technologies, maintain the highest possible standards of nuclear security and physical protection of nuclear materials and, wherever possible, sustain investment in research into proliferation-resistant, and therefore operationally safer, technologies.

10. **Mr. Asmady** (Indonesia) said that peaceful uses of nuclear energy for agriculture, industry, medicine and other purposes were critically important to sustainable development. While supporting the rights of States parties under the Treaty, which provided an essential legal basis for technology transfer and cooperation, his Government was aware that access to nuclear technology also made it easier to acquire a nuclear-weapon capability. That concern placed a special responsibility on the States concerned to build confidence with the international community in order to allay fears of proliferation and to enable IAEA to verify that the technology was being used only for peaceful purposes.

11. Having noted the States parties' wish to prevent the diversion of nuclear materials into weapons and the report of the expert group on multilateral approaches to the nuclear fuel cycle appointed by the Director-General of IAEA (NPT/CONF.2005/18), his delegation, like those of many other non-nuclear-weapon States, believed that that issue was directly linked to the principles of article IV of the Treaty. Non-treaty mechanisms had increasingly restricted supplies of nuclear materials, thereby eroding the Treaty's provisions and contributing to the impression that it had inherent imbalances and discriminated against non-nuclear-weapon States. Perhaps the solution was a multilateral mechanism to curtail the article IV rights of States that failed to adhere to articles I and II. The many States which had not violated the Treaty must not be caught up in any form of collective punishment or deprived of their rights under article IV.

12. Universalization of the export-control and inspection systems would ensure that all States had unimpeded access to nuclear technology for peaceful uses, and the proposals of IAEA regarding the nuclear fuel cycle therefore deserved consideration. However, any dilution of the obligations under article IV would undermine confidence in the Treaty and exacerbate the feeling that discrimination existed between States with privileges and obligations and those with privileges but no obligations. Taken together, the IAEA safeguards regime and the additional protocols, which provided greater inspection opportunities, would be an effective deterrent to proliferation. Nevertheless, lack of funds to pursue peaceful uses of nuclear technology and continuing imbalances in the allocation of resources for safeguards created problems and resources for developing countries must therefore be given priority in IAEA technical cooperation activities.

13. **Mr. Beven** (Australia) said that Australia, which was the world's second largest exporter of uranium with 40 per cent of global resources, had a long-standing commitment to peaceful nuclear cooperation. It contributed substantially to the development of nuclear energy, recognizing that facilitating the peaceful applications of such technology was essential to the balance of rights and obligations which States parties assumed under the Treaty. As a regular and reliable contributor to the IAEA Technical Cooperation Programme, it favoured reform to make the Programme more effective.

14. Strengthening of the non-proliferation regime required a climate of confidence. As emphasized at the 2000 Review Conference, compliance with the safeguards described in article III of the Treaty also had a bearing on the exercise of the rights established by article IV. Exposure of the proliferation network headed by the Pakistani scientist, Dr. Abdul Qadeer Khan, had illustrated the importance of preventing illicit trafficking in nuclear materials, equipment, technology and know-how. Closer cooperation with IAEA was needed in order to permanently dismantle the existing black market. Those developments also highlighted the need for effective national controls over the production and export of sensitive technology and materials and for international cooperation in applying national laws. Export controls were not an impediment to legitimate nuclear trade and cooperation, but rather a necessary and legitimate means for States to comply with article III and to provide the long-term assurances and stability needed for such trade and cooperation to take place.

15. All States parties to the Treaty should note the harmonized export controls developed by the Nuclear Suppliers Group and the Zangger Committee and ensure that their own controls were at least equivalent to such regimes and were properly enforced. Nuclear suppliers must go ahead with transfers only where the recipient State had a suitable national nuclear security system comprising IAEA safeguards, physical protection, measures against illicit trafficking and appropriate export controls to cover re-export. Australia, which intended to make the supply of its uranium to non-nuclear-weapon States dependent on the implementation of an additional protocol to such States' safeguards agreement with IAEA, urged the Review Conference to generalize such conditions.

16. Australia supported measures which complemented the Treaty, such as Security Council resolution 1540 (2004) and the Proliferation Security Initiative. States parties must withhold nuclear cooperation from any State which the IAEA Board of Governors had called upon to remedy violations of its safeguards obligations. The gradual spread of proliferation-sensitive technologies and the decreasing technical and economic barriers to acquisition of such technologies presented two risks. First, that States might break free of their commitments under the Treaty and develop nuclear weapons, and, second, that sensitive technologies might be transferred illicitly to other States or subnational entities. The proliferation risk of uranium enrichment in particular had risen, as it had become easier for States to acquire basic centrifuge technology and build facilities to produce weapons-grade uranium. The more States possessed enrichment and reprocessing facilities, the greater the risk of proliferation.

17. The rights to peaceful use of nuclear energy conferred by article IV of the Treaty were not unqualified, being subject to the provisions of articles I, II and III. Moreover, article IV referred to research, production and use of nuclear energy, rather than to specific technologies such as enrichment and processing. While Australia believed that a lengthy debate on the legal interpretation of article IV would be unproductive, it urged the international community to consider the consequences of a world in which dozens of States possessed the full nuclear fuel cycle and therefore the ability to move on to produce nuclear weapons if they felt their immediate interests justified such a step. Clearly, the unbridled spread of sensitive fuel-cycle technology would be inconsistent with the goals of the Treaty.

18. Consequently, alternatives to the widespread acquisition of national enrichment and reprocessing capabilities had been considered. Australia had taken note of the report of the expert group on multilateral approaches to the nuclear fuel cycle (NPT/CONF.2005/18) and believed that the Review Conference should reaffirm the need for further investigation of workable means of limiting the spread of sensitive nuclear technology in a manner consistent with article IV rights and obligations. Because terrorist groups were interested in acquiring weapons of mass destruction, the physical protection of nuclear materials and nuclear facilities was a high priority. Australia called on all

States to accede to the Convention on the Physical Protection of Nuclear Material (CPPNM) and hoped that work to strengthen the Convention would continue.

19. **Mr. Bendjaballah** (Algeria) said that his delegation associated itself with the statement made by Malaysia on behalf of the Group of Non-Aligned States Parties to the Treaty. The Treaty was a cornerstone of the global disarmament and non-proliferation regime, but it could only achieve its goals through balanced implementation of all of its provisions, whether pertaining to disarmament, non-proliferation, inspections regimes, or the peaceful uses of nuclear energy. Article IV guaranteed the right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes, and any limitation on trade in nuclear materials, equipment or technology that infringed on that right damaged the Treaty's credibility and universality. Algeria was party to all international instruments on disarmament and non-proliferation, and was making preparations to sign an additional protocol to its safeguards agreement. Algeria would continue its strong and wide-ranging cooperative relationship with IAEA, which should be supported with sufficient funds to enable it to carry out its tasks, including those relating to technical cooperation. The sixth Review Conference had concluded that strengthening IAEA safeguards regimes should not come at the expense of funding for technical cooperation. The current Review Conference should reaffirm not only the goals of disarmament and non-proliferation but also the right of States parties to peaceful uses of nuclear energy.

20. **Mr. Sersale di Cerisano** (Argentina) said that Argentina attached great importance to the inalienable right of States parties to use nuclear energy for peaceful purposes without discrimination. That right could be altered or limited only by explicit agreement between the parties. Any attempt to redefine the Treaty's delicate balance of rights and obligations, to challenge its usefulness or relevance or even to cast doubt on States' rights to technological development risked undermining the system it had established. With its long experience of importing and exporting nuclear materials and technology, Argentina supported efforts to guarantee transfers of such materials and technology connected with peaceful uses of nuclear energy, with a view to sustainable development.

21. Because of its special responsibilities for promoting technical cooperation and overseeing safeguards and nuclear safety, IAEA must be provided with the financial and human resources to enable it to maintain a balance between its promotional and regulatory functions. Argentina had played an active role in IAEA training programmes, and had sent experts to countries with needs and circumstances similar to its own.

22. The proliferation crisis of recent years had led to efforts to revise the scope of article IV of the Treaty, notably by limiting access to the nuclear fuel cycle, and therefore to alter the essence of that article and the concept of the inalienable right to use nuclear energy for peaceful purposes. Argentina believed that the most suitable way of coping with the risk of diversion of such technologies for military use was to consider immediate suspension of nuclear cooperation in cases of proven violation of the non-proliferation regime. Transparency and acceptance of internationally accepted standards of nuclear safety and physical protection must be the cardinal principles of peaceful use of nuclear energy. His delegation urged all countries which had not yet done so to ratify and implement without delay all international conventions regarding nuclear safety and the handling of nuclear waste and radiological protection, and hoped for rapid progress on amending the Convention on Physical Protection of Nuclear Material (CPPNM).

23. As a country with considerable nuclear experience and a long sea coast, Argentina would like to see the international community, and IAEA in particular, consolidate an effective and globally supervised system for the international transport of radioactive material. It supported the International Maritime Organization review process for the Convention for the Suppression of Unlawful Acts against the Safety of Maritime Navigation, so that the Convention could more effectively address the contemporary threats of international terrorism and the proliferation of weapons of mass destruction. Furthermore, as an active member of all major export-control regimes, Argentina was of the view that controls to nuclear materials should be applied in a responsible manner, rather than restricting legitimate access to nuclear energy. Security Council resolution 1540 (2004) had made a substantial contribution to the cause of non-proliferation by universalizing such export controls and by promoting a climate of confidence and transparency for the activities of States parties that relied on peaceful uses of nuclear energy to support progress and social well-

being. Argentina was deeply committed to a balanced approach to the work of the Committee and to fully protecting the commitments of article IV of the Treaty.

24. Argentina had submitted a working paper on multilateral nuclear fuel-cycle arrangements (NPT/CONF.2005/WP.33) that looked at ways of addressing certain unfortunate developments of recent years. No technology must be considered intrinsically negative. Only the uses made of technologies could be so labelled. All countries had the right to benefit from the potential of nuclear energy, provided that they adhered to international non-proliferation provisions and safeguarded international peace and security. The best approach was to improve the implementation of the existing non-proliferation machinery, as described in section III, paragraph 18, of the paper.

25. **Mr. Shin** Kak-soo (Republic of Korea) said that the Republic of Korea, which obtained more than 40 per cent of its electricity supply from nuclear sources and had the world's sixth largest civilian nuclear industry, viewed the inalienable right to such facilities as vital to its sustainable economic development. However, it also firmly believed that the rights conferred by article IV of the Treaty must be exercised in compliance with the non-proliferation and safeguards obligations of articles II and III.

26. Because peaceful applications of nuclear material and technology could be difficult to distinguish from their military applications, some had argued in favour of restricting fuel-cycle technologies to a limited number of States whose reprocessing and enrichment facilities might be placed under international control. The Republic of Korea understood that rationale, but stressed that it should not interfere with the legitimate right to peaceful uses of nuclear energy of States which fulfilled their Treaty commitments and had sound reasons, based on energy security and economic feasibility, for having fuel-cycle technologies and facilities. States willing to forego sensitive fuel-cycle facilities should be given incentives, including guarantees of a fuel supply at a reasonable price. The report of the expert group on multilateral approaches to the nuclear fuel cycle (NPT/CONF.2005/18) provided a basis for discussion of those issues.

27. States parties' rights under article IV and their obligations under articles II and III of the Treaty were complementary and mutually reinforcing. In order to uphold the principles of peaceful use of nuclear energy and maintain the non-proliferation regime, confidence in States parties' compliance with Treaty obligations must be restored and bolstered. In that context, there must be universal adherence to comprehensive IAEA safeguards agreements and to the additional protocols thereto, as well as strong and effective national, regional and international export controls for sensitive items and technologies. The Nuclear Suppliers Group, the Zangger Committee, the Group of Eight (G-8) Global Partnership against the Spread of Weapons and Materials of Mass Destruction, and the arrangements put in place by the Security Council in its resolution 1540 (2004) played a central role in reinforcing export controls.

28. Public concern about the safety and security of nuclear power must be addressed in order to promote peaceful uses of nuclear energy. Progress had been made in the form of international cooperation on developing a proliferation-resistant fuel cycle and reactors and recognition of other potential sources of energy, such as hydrogen cells and nuclear fusion. International technical cooperation to benefit the developing world played an important role, under the leadership of IAEA, which must be given sufficient resources for that purpose.

29. **Mr. Freeman** (United Kingdom), associated his delegation with the statement made by the representative of Luxembourg on behalf of the European Union. While article IV of the Treaty gave States parties an inalienable right to use nuclear energy for peaceful purposes, that right was neither absolute nor unconditional, as it depended on compliance with articles I and II, and with the safeguards provisions of article III. A State which failed to comply forfeited confidence in the exclusively peaceful nature of its nuclear ambitions. Until that confidence had been restored, it could neither expect suppliers to give it access to proliferation-sensitive technologies, nor to be able to invoke the rights of article IV credibly.

30. The right established by article IV must not be assumed to extend to all forms of nuclear technology. Assertions of a right to enrichment and reprocessing technologies must be weighed against the fundamental non-proliferation objectives of the Treaty. First, if many States were able to produce fissile materials, the world would become less secure and face more threats to peace. Second, while the products of enrichment and reprocessing were connected with nuclear power generation, which had direct civil benefits, those

products themselves had no such benefits. States wishing to benefit from nuclear power could be convinced that using international facilities was more rational than investing in expensive fuel-cycle technologies with limited applications by being assured of reliable and affordable outside supplies of nuclear fuel and outside spent-fuel services. In that connection, his delegation welcomed the report of the expert group on multilateral approaches to the nuclear fuel cycle (NPT/CONF.2005/18).

31. The United Kingdom fully recognized the role of technology transfer in sustainable development, increasing global prosperity and meeting the Millennium Development Goals. It was committed to the principle of States parties' entitlement to benefit from peaceful nuclear technology as long as the non-proliferation principles of the Treaty were observed. It supported that principle through its actions as a major provider of fuel-cycle services, including enrichment, fuel manufacture and reprocessing, and as a participant in international projects to develop innovative reactors and methods which would improve safety, sustainability and proliferation resistance. It was a strong advocate of IAEA technical cooperation programmes and efforts to improve the scientific, technological and regulatory capabilities of States parties and hoped that IAEA would continue to focus on the many development challenges facing its member States, contribute to poverty reduction strategies and coordinate its actions with other donors through, for example, the United Nations Development Assistance Frameworks.

32. Turning to nuclear safety and security issues, he indicated that the recent, widely reported leak at the Thorp reprocessing plant at Sellafield in the United Kingdom had been contained without any release into the environment or harm to staff. The plant was in a safe, quiescent state and the company operating it had set up an incident control centre to deal with the occurrence, to the satisfaction of the regulatory authority. The United Kingdom had a flexible, goal-oriented regulatory regime which demanded and achieved high standards. It had submitted its safety standards and practices for peer review at the recent third review meeting of the Convention on Nuclear Safety. In order to help prevent terrorists from gaining access to radioactive materials, more States should accede to that Convention, to the IAEA Code of Conduct on the Safety and Security of Radioactive Sources and to the International Convention for the Suppression of Acts of Nuclear Terrorism. As a State party which transported nuclear materials, the United Kingdom had imposed stringent safety and security conditions which an IAEA mission in 2003 had deemed satisfactory. The conditions would nevertheless be kept under constant review, both nationally and by IAEA.

33. **Mr. Dolgov** (Russian Federation) said that there was no prospect in the near future of finding an alternative to nuclear power and States parties must therefore have wide access, through international cooperation, to the benefits of peaceful uses of nuclear energy. The number of States availing themselves of the rights established by article IV of the Treaty would undoubtedly increase and while many would legitimately seek to profit from their accumulated experience in the field in question, conditions must be put in place to prevent proliferation of sensitive nuclear technologies or materials that could be used to make nuclear weapons.

34. Possession of nuclear technology must be justified exclusively on economic grounds and domestic circumstances and needs. Existing networks of nuclear supplies and services for energy, science, research, industry and agriculture could amply cover the needs of humankind. The market for such supplies and services was firmly in balance and there was no economic or political justification for disrupting it. The Russian Federation agreed with the Director-General of IAEA on the need for international guarantees of supplies of nuclear fuel and the availability of the required technology at regional centres under multinational control. The role and authority of IAEA in such cooperation must be strengthened, in the interests of preserving a balance between the benefits of the peaceful use of nuclear energy and the principles of non-proliferation.

35. To mark the fiftieth anniversary of the commissioning of the world's first nuclear power reactor, in Obninsk, the Russian Federation and IAEA held a joint conference in June 2004. Looking into the future, the development and use of nuclear power would require many new issues and challenges to be addressed in a comprehensive, rather than fragmented, way. One response to that requirement was the IAEA International Project on Innovative Nuclear Reactors and Fuel Cycles (INPRO). International cooperation in the nuclear field made sense from the economic,

environmental, security and non-proliferation points of view.

36. The Russian Federation hoped that a forthcoming conference in Moscow would support the work of the expert group on multilateral approaches to the nuclear fuel cycle in order to guarantee supplies of fuel for power and research reactors, safe storage and reprocessing of spent fuel and regulation of enrichment and reprocessing activities. While supplies of nuclear fuel could never be absolutely guaranteed, appropriate assurances should be discussed with the involvement of IAEA. The Russian Federation actively supported IAEA technical cooperation activities focusing on applied nuclear technology in fields of economic significance for the organization's member States.

37. While the Russian Federation advocated measures to regulate the transport of nuclear materials, it cautioned against establishing unjustified obstacles which could contravene international law. The Treaty's unique structure was intended to serve for decades into the future, adapting organically to the discussion of fundamental issues connected with the peaceful uses of nuclear energy. The Russian Federation would work with States parties to explore those issues.

38. **Ms. Göstl** (Austria) said that her delegation fully associated itself with the statement made by the representative of Luxembourg on behalf of the European Union and with the content of the three working papers put forward by Austria and nine other States parties. Austria was committed to the outcomes of the 1995 and 2000 Review Conferences and recognized that NPT was a carefully crafted document whose equilibrium must be maintained. The undertaking by non-nuclear-weapon States not to acquire any nuclear-weapon capabilities and to submit their nuclear activities to IAEA verification was balanced by an equally important undertaking to promote cooperation in the peaceful uses of nuclear energy, with NPT providing a framework of confidence for exchanges of technology. Strict adherence to IAEA comprehensive safeguards agreements and additional protocols thereto was vital to creating a stable, open and transparent international security environment for such exchanges. Through its technical cooperation programme, IAEA played a major role in helping developing countries to improve their technological, scientific and regulatory capabilities. The resources available for those activities must be assured, predictable and sufficient to meet the objectives of article IV, paragraph 2, of the Treaty.

39. Export controls, an issue clearly connected with the debate on peaceful uses of nuclear energy, were a sovereign responsibility, constituting not just a right, but also an obligation deriving from article III, paragraph 2, of the Treaty. They did not contradict the principle of access to nuclear technology for peaceful purposes. However, clear and transparent criteria must be established and maintained if export controls were to be accepted. Developing countries tended to complain that industrialized countries were too unwilling to provide technical assistance because their export policies were too stringent and unpredictable. While such complaints were not justified, they should nevertheless be taken seriously. Export controls must operate in an atmosphere of cooperation and dialogue. Much had been achieved in that regard, notably by the Nuclear Suppliers Group and the Zangger Committee, which had provided opportunities for suppliers and customers to explain their positions.

40. Austria had worked with IAEA to improve the Convention on the Physical Protection of Nuclear Material (CPPNM), whose scope should be widened to include binding requirements for the domestic use, storage and transport of such material. Physical protection was relevant to article IV of the Treaty, as all recipients of nuclear technology must maintain proper physical protection standards as a prerequisite for technical cooperation. The Convention must guide States parties in setting up national physical protection arrangements. Lastly, the delegation of Austria attached great importance to the physical protection of highly enriched uranium and plutonium and believed that the civilian uses of highly enriched uranium should be kept to a minimum.

41. **Ms. Laose** (Nigeria) said that, as the body responsible for monitoring implementation of articles I, II and III of the Treaty, regarding peaceful uses of nuclear energy, IAEA should be the main means of channelling the benefits of nuclear technologies to developing countries. The Review Conference should reaffirm its confidence in the work of IAEA and seek to improve the Agency's performance through the provision of adequate human and financial resources. A balance must be maintained between the Agency's main functions of security, verification and technical cooperation.

42. The provision of technical assistance to developing countries must be seen not as a humanitarian duty, but as the fulfilment of obligations assumed under the Treaty, which had contributed to the maintenance of international peace and security for 36 years. Developing countries had fulfilled their obligations by contributing in increasing numbers to the implementation of the Treaty, and thereby enhancing its international prestige and importance. Nuclear-weapon States and other developed States must play their part unequivocally, without imposing unilateral criteria to deny others their rights under the Treaty. Technical cooperation must not be used to further political aims or to obstruct legitimate national interests and priorities in the peaceful application of nuclear technology. Furthermore, eligibility for technical assistance must not be made conditional on the conclusion of additional protocols to safeguards agreements, so as not to unfairly penalize States which had opened up their nuclear activities to IAEA scrutiny through a safeguards agreement simply because they had not yet signed or ratified an additional protocol. Nigeria wished to continue receiving IAEA technical assistance and to have access to nuclear techniques and equipment commensurate with its level of development. Nuclear technology would improve electricity generation, the petroleum industry, health care, agriculture and food production and water resources. In particular, it would help to meet a sharply increased demand for electricity, which was expected to be five times the current level by 2010 or 2015. Not just Nigeria, but Africa in general, would benefit from nuclear technology to help control and eradicate insect-borne diseases and pests. It should be remembered that malaria claimed more lives on the continent than HIV/AIDS.

43. **Mr. Mekdad** (Syrian Arab Republic) said that his delegation associated itself with Malaysia's statement on behalf of the Non-Aligned Group and the statement that Qatar would be making on behalf of the Arab States parties to the Treaty. Article IV of the NPT was unmistakeably clear on the inalienable right of all parties to the Treaty to develop research, production and use of nuclear energy for peaceful purposes. Syria shared the concern of other States about discriminatory conditions placed on that right, especially with respect to non-nuclear-weapon developing States. In particular, certain parties, after obtaining the Treaty extension they had sought in 1995, had used political pretexts to obstruct the transfer of nuclear technology to developing countries for peaceful uses, while at the same time supplying nuclear technology to Israel, a country that refused to accede to the Treaty. Israel's nuclear military capabilities posed a threat to its region and the world, and radiation leaking out of Israeli nuclear installations constituted an environmental hazard to neighbouring States. The international community should apply all possible pressure to Israel to place its nuclear installations under the IAEA inspections regime, as called for by paragraph 5 of Security Council resolution 487 (1981). The Conference should reaffirm the vital and impartial role played by IAEA in implementing the NPT. Fair application of the NPT free of any double standard was crucial for universalizing the Treaty and building a nuclear-weapon-free future.

44. **Ms. Fraser** (Bahamas), speaking on behalf of the Caribbean Community (CARICOM), said that the members of CARICOM were concerned by transboundary movements of radioactive materials and had therefore been encouraged by the 2000 Review Conference's endorsement of IAEA regulations for the safe transport of such materials. They remained concerned, nevertheless, that shipment of nuclear waste through the Caribbean Sea could threaten the environmental and economic sustainability of the region's small island developing States. The international community had a responsibility to protect the marine environment of coastal States from the risks inherent in the transport of nuclear waste and, in that connection, CARICOM welcomed the IAEA Code of Practice on the International Transboundary Movement of Radioactive Waste. While CARICOM supported the right of States, under article IV of the Treaty, to use nuclear energy for peaceful purposes, that right should not be exercised in a way that endangered the sustainable development of other States.

45. The CARICOM member States had called for information and assurances to be provided to States that could potentially be affected by shipments of radioactive materials and for a comprehensive regulatory framework to promote State responsibility in the form of disclosure, prior informed consent, liability and compensation for accidents. Mindful of the disastrous effects of any accident on their vulnerable economies, the members of CARICOM had drafted a proposal for the Committee's consideration (NPT/CONF.2005/MC.III/CRP.1), pursuant to which States would acknowledge the dangers posed to coastal

States by the transportation of irradiated nuclear fuel, plutonium and high-level nuclear waste. CARICOM hoped that the proposal would be included in the report of the Committee.

46. **Mr. Adnan** (Malaysia) recalled that Principle 19 of the Principles and Objectives for Nuclear Non-Proliferation and Disarmament adopted by the 1995 Review and Extension Conference reflected the commitment of States parties to ensuring that IAEA had the financial and human resources necessary to fulfil its technical cooperation, safeguards and nuclear-safety obligations. The Agency's Technical Cooperation Fund was key to promoting peaceful uses of nuclear energy through the transfer of technology and unpredictable financing could undermine such cooperation, which was one of the three pillars of the Treaty, and hinder the implementation of projects that were geared to meeting the genuine needs of developing States.

47. Technical cooperation at the multilateral, bilateral and regional levels was an important confidence-building measure that promoted transparency in national nuclear programmes and acted as a deterrent to the misuse of nuclear technology and the diversion of nuclear materials to non-peaceful uses. While a number of IAEA member States had made extrabudgetary contributions to supplement their assessed contributions to the Technical Cooperation Fund, the level of voluntary contributions was likely to decline, given the rising cost of enforcing safeguards. Malaysia urged all States parties which were members of IAEA to support the Technical Cooperation Fund.

48. Multilateral arrangements for preventing the proliferation of nuclear fuel-cycle technology should not adversely affect the inalienable rights conferred by article IV of the Treaty, for example by imposing a mandatory permanent suspension of those rights as a precondition for the involvement of any State party in such multilateral arrangements. However, a temporary, voluntary, waiver of article IV rights, effective only for the duration of the multilateral arrangement and subject to the continued supply of fuel-cycle services and materials, coupled with a guarantee of compensation in the event of interruption of that supply for any reason other than a violation of non-proliferation commitments, could contribute to the larger objective of strengthening the non-proliferation regime. Similarly, it was reasonable to require States wishing to participate in any multilateral fuel-cycle arrangement to conclude and fully implement an additional protocol to their IAEA safeguards agreement.

49. In order for a multilateral approach to the nuclear fuel cycle to succeed, nuclear export-control regimes established independently of the Treaty framework must be de-politicized and harmonized with the fundamental provisions of the Treaty. Consequently, nuclear exports should be denied only if the importing State breached its non-proliferation commitments and the breach was confirmed by IAEA. Non-nuclear-weapon developing States that honoured their commitments under articles I and II of the Treaty should be given preferential treatment in the transfer of technology for peaceful uses of nuclear energy as an important means of rebuilding confidence in the Treaty.

50. Lastly, while Malaysia believed that all nuclear programmes must serve peaceful purposes, it acknowledged the sovereign right of States to withdraw from the Treaty, as provided for in article X. Withdrawal from international conventions and treaties must be governed by international treaty law.

51. **Mr. Halter** (Switzerland) said that Switzerland, as a country which generated over 40 per cent of its electricity using nuclear technology, firmly believed in the inalienable rights enshrined in article IV of the Treaty and in the obligations established in articles I, II and III. Nuclear cooperation with a given State must be accompanied by assurances that its nuclear programme was peaceful. All States parties should accede to the Convention on Nuclear Safety, the Joint Convention on the Safety of Spent Fuel Management and on the Safety of Radioactive Waste Management and the Code of Conduct on the Safety and Security of Radioactive Sources, which were valuable means of providing such assurances.

52. Progress in legislation should be accompanied by progress in technical matters. Accordingly, Switzerland welcomed the ongoing work on fourth-generation nuclear reactors, which would make civil nuclear programmes safer and more efficient. Certain sensitive parts of the nuclear fuel cycle, such as enrichment and reprocessing, should be closely examined, and further initiatives regarding them must comply with the need to ensure that nuclear energy was used exclusively for peaceful purposes and with non-proliferation obligations. The aim should be to establish what restrictions should be placed on access to the nuclear fuel cycle, an approach consistent with article IV,

which provided for "the fullest possible exchange of equipment, materials and scientific and technological information". Switzerland commended the Nuclear Suppliers Group and the Director-General of IAEA for exploring the possibility of converting national enrichment and reprocessing facilities into multinational facilities, as the expert group on multilateral approaches to the nuclear fuel cycle had recommended in its report (NPT/CONF.2005/18).

53. However, Switzerland could not support measures which ran counter to the inalienable right to peaceful uses of nuclear energy enshrined in article IV of the Treaty and therefore could not support the idea of a blanket ban on exports of sensitive nuclear enrichment and reprocessing technologies to States parties which did not yet possess them. Such a policy would constitute unjustified and additional discrimination against non-nuclear-weapon States, as it failed to distinguish between States which offered the best guarantees against proliferation and States whose nuclear programmes were not transparent in the view of IAEA.

54. The Review Conference should try to balance regulations aimed at preventing abuses and the danger of unjustified additional discrimination by establishing clearly that a State's access to sensitive nuclear technology should be conditional on its accession to the Treaty and respect for its provisions, particularly the connection between the rights of article IV and the responsibilities of articles I, II and III. It was just as logical to pair the peaceful use of nuclear energy with non-proliferation as it was to pair disarmament with non-proliferation. The case of the Democratic People's Republic of Korea demonstrated clearly that the available instruments no longer offered the international community adequate assurances that nuclear energy would be used only for peaceful purposes if a State party decided to withdraw from the Treaty. Switzerland believed that in order to prevent abuse the arrangements for the option to withdraw described in article X must be made clear and that the Review Conference should adopt recommendations in that regard on the basis of the relevant working papers.

55. **Mr. Kára** (Czech Republic) said that his delegation associated itself with the statement made by the representative of Luxembourg on behalf of the European Union. While the Czech Republic regarded peaceful use of nuclear energy as one of the pillars of the Treaty and a potential driver of sustainable development, the nuclear activities referred to in article IV must be undertaken in full conformity with the obligations established elsewhere in the Treaty. Three conditions must be placed on such activities. First, there must be a strong system of international safeguards in order to build confidence and strengthen cooperation. Secondly, measures for the physical protection of nuclear materials must be strictly applied. Thirdly, appropriate legislation and regulations must be introduced to establish effective national controls over the export, transit, trans-shipment and re-export of nuclear-weapon-related items. Recipient States must confirm that they would use nuclear energy safely by signing, ratifying and implementing international agreements on nuclear security and by providing assurances regarding re-transfers.

56. Comprehensive safeguards agreements, supplemented by additional protocols, should be a precondition for new supplies to non-nuclear-weapon States. As the universal implementation of additional protocols would give IAEA credible assurances of the absence of undeclared nuclear activities, States parties should sign and implement such protocols as rapidly as possible. The Czech Republic had a long tradition of cooperating with IAEA in the implementation of safeguards and had become a donor of cooperation in the 1990s, repaying the support it had previously received from the Agency. Many pieces of IAEA safeguards equipment had been tested and calibrated at facilities in the Czech Republic, which was helping IAEA to re-engineer and improve the effectiveness and efficiency of its safeguards system.

57. The Czech Republic welcomed the Global Threat Reduction Initiative, the Proliferation Security Initiative and Security Council resolution 1540 (2004). It had concluded an agreement with IAEA for the repatriation of highly enriched uranium from Czech research reactors to its original supplier, a process begun in 2004 and which would continue until all highly enriched fuel assemblies had been replaced by fuel assemblies with enrichment levels of under 20 per cent. As the international community was gravely threatened by the growing risk of misuse of vulnerable nuclear materials and other radioactive sources, new initiatives to protect against nuclear terrorism should be explored, with IAEA in a central role. The provisions of the Convention on the Physical Protection of Nuclear Material (CPPNM) should apply

not just to international transfers, but also to the domestic use, storage and transport of nuclear material.

58. **Mr. Muñoz** (Chile) said that Chile would protect its inalienable right to enjoy all peaceful uses of nuclear energy, while complying with all of its obligations under articles I, II and III of the Treaty. Chile had signed an additional protocol to its safeguard agreement with IAEA and urged all States parties to do likewise. It recognized that there was no "zero risk" in the nuclear industry and therefore supported all initiatives by IAEA, IMO and other organizations to achieve progress in the multilateral regulation of maritime transport of spent nuclear fuel and radioactive waste. The potentially disastrous consequences of an accident on the population, environment and economy of coastal States dependent on fisheries must be kept in mind. If an accident were to occur, public opinion in the current information age would be swayed far more by perceptions of food safety than by a scientific assessment of the after-effects, and the influence on consumption habits would be felt rapidly. For those reasons, Chile would continue to work closely with States involved in the transport of nuclear materials to exchange full information on shipments and to ensure contingency plans for use in the event of an accident, responsibility for recovering materials lost as the result of an accident and full compensation for personal, environmental and economic harm, including loss of income, caused by an accident.

59. **Mr. Moldogaziev** (Kyrgyzstan) said that, prior to the dissolution of the Union of Soviet Socialist Republics, the territories of the Central Asian and other former Soviet republics had been used for Soviet nuclear programmes. As the major test site was located in Central Asia, Kyrgyzstan and the other Central Asian States had been significant suppliers of raw minerals for those programmes, and uranium ore mining and processing had been established in the region. However, once ended, the consequences of the programmes for the environment and population had been severely underestimated. The areas contaminated by waste repositories and mine spoil containing uranium residues presented considerable, transboundary danger for the States concerned. The threat was worsened by harmful natural phenomena. For example, when waste repositories had been designed, too little account had been taken of the need for long-term protection against events such as seasonal or other flooding.

60. The Central Asian States' efforts to counter the damaging environmental effects of nuclear testing and uranium mining included monitoring and national and multinational programmes to rehabilitate and replant contaminated land in the immediate vicinity of towns and villages. Although international organizations and other donors had supported those efforts, insufficient resources were available to address what was a critical situation. Kyrgyzstan, also on behalf of Kazakhstan, Tajikistan, Turkmenistan and Uzbekistan, was accordingly proposing for the consideration of Main Committee III a working paper on the environmental consequences of uranium mining (NPT/CONF.2005/MC.III/WP.3). The States on whose behalf he spoke appealed to all international organizations with experience in assessing and rehabilitating land affected by radioactive waste for help in conducting a radiological assessment and in taking corrective action.

61. He recalled his delegation's statement during the earlier general debate regarding the need to reduce the possibility that terrorists might gain access to fissile material, especially highly enriched uranium, for use in crude nuclear devices and reiterated the need for the Review Conference to discuss ways of improving the security of existing nuclear stockpiles, consolidating them, reducing their size and progressing towards the elimination of highly enriched uranium in the civil nuclear sector. In that connection, it welcomed the working papers presented by Norway on its own behalf and by Iceland, Lithuania and Sweden on combating the risk of nuclear terrorism by reducing the civilian use of highly enriched uranium.

62. **Ms. DeSutter** (United States of America) said that the goal of universal membership of the Treaty became more distant if a State party announced its intention to withdraw, as the Democratic People's Republic of Korea had done in January 2003. Her delegation was concerned that announcing an intention to withdraw from the Treaty was either a response to being caught in breach of the Treaty or a prelude to acquiring nuclear weapons openly following withdrawal. The statements made by the Democratic People's Republic of Korea since January 2003 revealed that it was in precisely that situation. The 2005 Review Conference, the first since the withdrawal of the Democratic People's Republic of Korea, should therefore carefully consider article X of the Treaty.

63. States parties to the Treaty enjoyed benefits not available to those States which had chosen not to join the Treaty. A State which had enjoyed such benefits while violating its obligations and had then withdrawn from the Treaty after pursuing a non-peaceful nuclear programme should not be allowed to profit in any way from its deceit. Should a State party withdraw from the Treaty before remedying its violations, it must remain accountable for those actions even after withdrawal and must understand the consequences of its actions. States parties in general, and the Treaty's depositary Governments in particular, must consider wide-ranging methods to dissuade any States parties from withdrawal and to oppose any expressed intention to withdraw, particularly where that announcement followed a breach of non-proliferation obligations or took place in preparation for pursuit of a nuclear weapons programme.

64. Having made it clear that proliferation of nuclear weapons was a threat to international peace and security, the Security Council must meet promptly to consider the consequences of an intended withdrawal and the possibility of measures stopping short of a withdrawal to address and resolve the extraordinary circumstances cited by the State party concerned. If withdrawal took place, the Security Council should consider the full range of options available under the Charter and warranted by the circumstances, particularly if a State withdrawing from the Treaty had breached obligations that it had not only freely assumed, but that other States parties had taken into account when determining how to protect their own security. The Security Council could request IAEA to provide details of the withdrawing State's compliance with safeguards requirements, processing and enrichment capabilities and any holdings of enriched uranium and plutonium. If the conditions of article X, paragraph 1, were fulfilled and withdrawal from the Treaty was completed, the Security Council might consider stringent measures if it believed that the post-withdrawal situation was a threat to international peace and security. Independently of any Security Council action, the Board of Governors of IAEA should discuss measures to preserve safeguards over nuclear equipment and material in the withdrawing State, report promptly to the Security Council any outstanding compliance concerns relating to safeguards or other issues, and examine whether there were grounds to suspend IAEA technical assistance.

65. Nuclear supplies to States which had withdrawn from the Treaty and were pursuing nuclear activities without safeguards, or seeking a nuclear weapon capability, should cease. In fact, even the act of announcing an intention to withdraw from the Treaty should be sufficient grounds for halting supplies. Furthermore, States which withdrew from the Treaty should be denied the ability to use nuclear supplies and materials imported while they were still parties to it, as their ability to obtain such supplies and materials would have stemmed from their professed commitment to the Treaty and their acceptance of IAEA safeguards.

66. Supplier States should enshrine in their bilateral nuclear supply agreements the right to seek denial of use, elimination or return to the original supplier of nuclear supplies and materials if the recipient State withdrew from the Treaty, and the Nuclear Suppliers Group, which was already contemplating requiring that IAEA safeguards should apply for the lifetime of the items supplied, could also incorporate a right of return in its export guidelines. Return of such items could also be directed by the Security Council in a resolution under Chapter VII of the Charter if such a response was deemed necessary in the light of the threat to international peace and security. Nuclear suppliers might also meet to consider joint or unilateral action to monitor compliance with bilateral assurances connected with nuclear material and equipment supplied before withdrawal from the Treaty. Furthermore, the concept of removing supplies from a State which had failed to meet its non-proliferation obligations was not new, since it was incorporated in article XII, section B, paragraph 2, and article XII, section C, of the IAEA Statute.

67. States parties with the requisite intelligence and interdiction resources could focus their efforts on a withdrawing State in order to prevent clandestine transfers from contributing to the acquisition of nuclear weapons capability or to the proliferation of such technology to others. While withdrawal from the Treaty remained a sovereign right, States parties also had a sovereign right to consider the effects on their individual and collective security of such a withdrawal. They should make it clear that withdrawal from the Treaty carried consequences, thus deterring such action and furthering the goal of universal adherence.

68. **Mr. Al-Bader** (Qatar), speaking on behalf of the Arab States parties to the Treaty, said that article X of the Treaty affirmed the sovereign right of States parties to withdraw from the Treaty and spelled out the steps necessary for doing so. The Arab States felt that any amendment stiffening the withdrawal procedures and attendant penalties would not only entail a long

ratification process by the national institutions of each State party, but could also have a negative impact on universalization by giving States non-parties additional reasons not to accede. In addition, the indefinite extension approved in 1995 was part of a four-part deal based on the resolution on the Middle East, the decision on principles and objectives, the decision on strengthening universalization and the decision on the indefinite extension. The Committee should therefore review the extent of compliance with the terms of the deal. In particular, universalization of the Treaty in the Middle East continued to be obstructed by Israel's refusal to accede to it.

69. **Mr. Frydenlund** (Norway), introducing on behalf of his own delegation and those of Iceland, Lithuania, and Sweden a working paper on combating the risk of nuclear terrorism by reducing the civilian use of highly enriched uranium (NPT/CONF.2005/MC.III/WP.5), urged the Conference to recommend that trade in, and use of, highly enriched uranium should be limited because of its inherent risk. It urged States not to support new projects involving highly enriched uranium fuel and called on the Conference to establish the goal of its total elimination from the civil nuclear sector as soon as technically feasible.

70. **Mr. Chowdhury** (Bangladesh) said that his delegation supported the working paper presented by the Non-Aligned Group on the substantive issues to be considered by Main Committee III (NPT/CONF.2005/WP.20). The rights and obligations set out in articles I, II and IV of the Treaty obliged States parties to cooperate in the exchange of equipment, materials, scientific and technological knowledge and information regarding peaceful uses of nuclear energy. However, undue restrictions on exports of equipment, materials and technology to non-nuclear-weapon developing States were still being applied, even though they were incompatible with the Treaty and should be removed. The statutory obligations of IAEA to pursue the goals of technical cooperation and peaceful applications of nuclear energy and to implement safeguards and verification regimes must be fulfilled.

71. His delegation was disappointed that some nuclear-weapon States were putting forward extraneous considerations to deny non-nuclear-weapon States the right to the peaceful use of nuclear energy and technology, even in the pursuit of sustainable development. No attempts must be made to use IAEA technical cooperation programmes as a political tool. Rather, States parties should consult each other so that articles I, II and IV of the Treaty could be implemented in an environment of trust and confidence. Bangladesh shared other States' concern that the Treaty was being interpreted too freely, benefiting none of the States parties. Peaceful uses of nuclear technology held great promise for humanity, and a misplaced concern of a risk of proliferation of nuclear weapons should not cause opportunities to exploit that promise to be missed. The best guarantee against proliferation continued to be total elimination of nuclear weapons. If some States possessed them and used them to advance political interests then other States would naturally also want them.

72. Nuclear technology brought benefits not just through electricity generation but also by helping to resolve old and new development problems associated with hunger, disease, management of natural resources, environmental pollution and climate change. It could, for example, boost the production of tropical plants, combat harmful insects and plant diseases, ensure food safety, reduce air pollution and improve human health. For its part, Bangladesh would remain a non-nuclear-weapon State, as its Constitution provided, and would adhere to its IAEA safeguards commitments. It believed that any threat of attack against peaceful nuclear facilities presented a great danger, because it would reinforce the perceived need to defend against such attack.

73. **Ms. Poulsen** (Denmark) said that her delegation wished to express its support for working paper NPT/CONF.2005/MC.III/WP.5, which had been introduced by the representative of Norway.

74. **The Chairman** said that she had received from the President of the 2005 Review Conference a message for transmittal to the Committee. According to the President, the Conference had entered the crucial phase of preparing the results of its deliberations, but had little time left to do so. He therefore requested the Chairmen of the Main Committees and the Chairmen of the subsidiary bodies to seek an outcome that was short and concise, but balanced and comprehensive. All delegations should continue to show flexibility and cooperation and support the Chairmen of the Main Committees and subsidiary bodies in that task. Despite the time constraints, he trusted that the first draft of the outcome of the work of the Main Committees could be shared with all delegations later that same day.

The meeting rose at 12.35 p.m.